

Conservation Organization Guide to Completing/Closing Massachusetts Forest Legacy Projects Fee (Title to be held by a Municipality)

This guide lists the steps to complete/close a typical Forest Legacy project. The steps are written in chronological order. Be sure to review these steps with the MA DCR Forest Legacy Program before you begin to close a funded project as new requirements are the norm.

Submit the status spreadsheet to the MA DCR Forest Legacy Program each time there is a change to the project/tract budget and/or acreage.

Any amendments/changes to the project such as the addition of new tracts or the replacement of old tracts with new tracts will require MA Forest Legacy Committee approval.

A budget spreadsheet (see example on MA DCR Forest Legacy Program website) must be submitted with all requests for reimbursement of due diligence expenses.

Forest Legacy grants can fund – through reimbursement – much of the due diligence expenses relating to a project. However, Forest Legacy will only reimburse due diligence expenses that occur after DCR has received the Grant Award from the USFS. Only through the life of the grant can expenses be applied as cost share. Be sure to check with the MA DCR Forest Legacy Program.

Each time an item on the checklist is completed, the updated checklist with the date the item was completed should accompany the completed item via email to the MA DCR Forest Legacy Program. The checklist should be used as a tracking tool. Please do not submit a new checklist each time an item is completed.

1. Send **Landowner W-9** to MA DCR. Ask MA DCR Forest Legacy Program who to send the W-9 too, and notify coordinator through email that the letter was sent.
 - a. To ensure that MA DCR can process the Forest Legacy funds in time, the landowner W-9 must be received no less than 2 months prior to closing.
2. Order and complete a **Title Examination** to Forest Legacy Program (FLP)/State EEA Specifications.
 - a. Send Title Report and Certificate to MA DCR Forest Legacy Program for review (hardcopy and PDF required).
 - b. The title report and certificate must be done in compliance with the state's title specifications. A hardcopy with original signatures in blue ink and a PDF is required.
3. Complete **Draft Deed** or deviations from the Forest Legacy Standard Deed template and finalized/defined exclusion areas. Send final draft deed to the MA DCR Forest Legacy Program for review.
 - a. Exclusions reserved for the purpose of future development (i.e. to be sub-divided) need survey and permanent monuments.
4. **Survey(s)** conducted as necessary to address exclusions negotiated in the deed and Title Examination recommendations of boundary issues.
 - a. If no physical features defining an exclusion area exists (stone walls, fence, barbed wire) then contact MA DCR Forest Legacy Program to discuss potential need for a survey.
5. On a case by case basis, order and complete the draft **Baseline Documentation Report (BDR)**. The draft BDR must be submitted to the MA DCR Forest Legacy program for review and comments before closing can occur, minus the deed exhibit and signatures. Draft BDR must be submitted electronically as an MS Word document.

6. Order and complete the **Forest Stewardship Plan (FSP)** to FLP Specifications. Send FSP to Forest Legacy for review.
 - a. Note: the exact acres of land to be conserved must be the same on all FLP documents. FSP acreage, Baseline Report acreage, Title exam acreage, Title Insurance acreage, Deed acreage, and Survey acreage need to match the survey exactly.
 - b. Should review the draft deed to ensure plan is written in compliance with CR. The plan should make reference to the Forest Legacy Program. This can be done in the history section under remarks on the front page of the plan and/or on the Property Overview, Regional Significance, and Management Summary page.
7. Order and complete **“Yellow Book” Appraisal and Review Appraisal** as follows:
 - a. Contract approved “yellow book” Appraiser and Review Appraiser simultaneously
 - b. Advise that Appraiser must consult with Review Appraiser prior to beginning the appraisal process.
 - c. Have Appraisals reviewed by MA DCR Forest Legacy program.
 - d. For a deed donation, the appraisal does not need to be yellow book but has to be written to USPAP specifications and the review appraisal is not needed.
8. Complete the **Deed approval** process.
 - a. Any changes made at any time must be provided to MA DCR Forest Legacy Program for review and approval by USFS.
 - b. Reviewed and approved changes to the deed must be forwarded to the appraiser and reviewer for consideration of updates/supplemental appraisal/review reports.
 - c. Any updates/supplemental appraisals and review appraisals must be provided to MA DCR Forest Legacy Program.
9. Obtain **Landowner Letter** for MA DCR Forest Legacy Program with signatures of Grantor and Grantee.
 - a. This letter acknowledges value of land as appraised, the agreed purchase price, and that the transaction is voluntary.
 - b. Letter must be on the official letterhead of title holder.
10. Obtain **Monitoring Commitment letter** for deed monitoring organization (municipality or land trust, etc.)
 - a. Letter must be on official letterhead of monitoring organization.
 - b. Non-profit partners must obtain a memorandum of understanding from a municipality or state agency that will hold title to the land in order to be reimbursed for any old expenses with said acquisition.
11. Purchase **Title Insurance** or obtain a **Letter of Assurance** in lieu of Title Insurance for Deed.
 - a. Send a hardcopy and PDF of the **Title Insurance Commitment Letter** to MA DCR Forest Legacy Program.
 - b. Send a hardcopy and PDF of the **Letter of Assurance** in lieu of Title Insurance to MA DCR Forest Legacy Program.
12. Submit the **Shapefile** of the property. The shapefile must be only that of the recorded acres and to not include the excluded areas. The acreage of the shapefile must be within 5% of the recorded acreage in the deed.
13. Obtain **State Contract** information if municipality is holding the deed.
 - a. Contractors name (City/Town)
 - b. Contract managers name (for municipality) including the managers address, phone number, fax number, email address, vendor code and vendor ID
 - c. Confirm budgeted amount to include in the contract for the acquisition expenses (do not include due diligence expenses).

14. Request **release of funds** from USFS. All required due diligence has been completed.
15. **Close project and record documents** at the Registry of Deeds.

Within 30 days after closing:

1. **Copy of the check** to the landowner from the Town, signed and dated.
2. Submit a stamped and **recorded copy of the deed** as a PDF.
3. Submit the **Final Title Rundown Report**.
4. Submit **Final Title Insurance Policy** as a PDF.
5. Complete and submit the **Final Baseline Documentation Report** with all required signatures and provide a hardcopy and CD/DVD of the report.
6. A **Press Article** must include the mention of the Forest Legacy Program, the lead agency (Department of Conservation and Recreation) and the United State Forest Service (USFS). Alternatively, a **Sign may be posted** on the property as long as a map delineating the location of the sign (with coordinates) along with a photograph is provided.
7. Submit **Zero Balance Invoices** for reimbursement of due diligence expenses to the MA DCR Forest Legacy Program.
 - a. In lieu of zero balance invoices, provide invoice and cancelled check. Zero balance invoices are preferred if at all possible.
 - b. Provide staff hourly time sheets and hourly wage information for both in-kind cost share contributions and reimbursements.
8. Submit a **Single Paragraph Write-Up** for each project after closing to MA DCR Forest Legacy Program. Ask the MA DCR Forest Legacy Program for examples.
9. Finalize the **Project Status Spreadsheet** to ensure acreage and budget (expenses, reimbursements and cost share) are balanced and reconciled.

Tips:

- Always complete title before appraisals. If the yellow book appraisal and/or yellow book review appraisal are completed before title exam is completed, the review appraiser must inspect the completed title and determine if the value of the appraisal has changed.
- The best time to set up closings: January through March and August through October. The worst times are May and June (state fiscal year ending) and December (Forest Legacy staff on break).
- In a multi-tract project, close donation parcels and parcels with large bargain sales first so that you've banked enough cost share so that the MA DCR Forest Legacy Coordinator can feel comfortable reimbursing for due diligence costs before the entire multi-tract project is completed.
- If your project involved multiple tracts to be held by a municipality or state agency, complete those tracts at the same time so that you don't need to keep going back to the municipality or agency again and again.

- All due diligence expenses can be counted as cost-share/reimbursements only during the life of the grant (between start date and end date).
- Partners and letters of support need to be updated for re-submittals.



Forest Legacy Program Acquisition Checklist For Fee (Title to be held by a Municipality)



Date Completed	In order to request the release of funds from the USFS and DCR cut check or DCR transfer funds to a municipality:
	1. If the landowner does not have a vendor code with the state, fill out and submit a W-9 form . The W-9 form must be submitted to DCR at a minimum of 45 days prior to closing.
	2. A title report with a certificate in compliance with the state's title specifications. Hard copy with original signatures in blue ink and PDF required.
	3. An approved copy of the draft deed by the Forest Service and EEA (if held by a municipality) and then a mortgage subordination clause needs adding if the property has a mortgage.
	4. Survey areas required by the title examiner in the title report.
	5. Draft baseline documentation report . MS word for comments and PDF for final draft. This will be done on a case by case basis.
	6. Approved forest stewardship plan . Hardcopy and pdf required.
	7. Yellow book appraisal and appraisal review by a qualified appraiser. Hardcopy with original signatures in blue ink and PDF required.
	8. Complete deed approval process.
	9. A landowner letter which includes language of the market value of the appraisal and if applicable, the bargain sale amount. This letter is sometimes referred to as an amicable agreement. Hardcopy with original signatures in blue ink and PDF required.
	10. A monitoring letter from the title owner which indicates who will do the monitoring and how this monitor has received training to be eligible for this work. Hardcopy with original signatures in blue ink and PDF required.
	11. A title insurance commitment letter that is made prior to closing showing that and insurance policy will be issued once closed. Hardcopy with original signatures in blue ink and PDF required.
	12. Shapefile .
	13. If a municipality is holding the deed , information which needs to be included in the Contract with the state (DCR) must be provided. Signed contracts and signature authorization forms must be submitted to DCR in a
	14. Request release of funds from the Forest Service. All required due diligence listed above must be completed.
	15. Closing/recording
	Within 30 days after closing:
	1. Copy of Check from Town to Landowner Signed and Dated .
	2. Stamped and Recorded Deed .
	3. The title rundown should be produced. Either a final title report or an email from the closing attorney explaining that nothing has changed with the title since the title report/certificate was completed to closing.
	4. Title Insurance Policy
	5. Final baseline documentation report . Hardcopy with original signatures in blue ink and CD/DVD required.
	6. Press or Signage to acknowledge the Forest Legacy Program, DCR and the USFS.
	7. Zero balance invoices for cost share and reimbursements for due diligence expenses.
	8. Single Paragraph Write-Up for each tract.
	9. Finalized Project Status Spreadsheet